

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Official Action dated 27 October 2005. Responsive to the rejections made by the Examiner in the Official Action, Independent Claim 1 and Dependent Claims 2 and 3 of this Application have been amended and now more clearly recite the invention of the subject Patent Application. Claims 1-3 will be pending upon entry of this Amendment.

In the Official Action, the Examiner objected to the Specification as containing numerous grammatical and spelling errors. Accordingly, the Specification has been amended by way of a Substitute Specification to correct ambiguities in the language of the Specification, as filed. A clean version of the Substitute Specification is attached as an Appendix. No new matter has been introduced to the Application by the amendments to the Specification.

Similarly, the Examiner objected to Claims 1-3 because of numerous grammatical and spelling errors and required the appropriate corrections. Accordingly, corrections have been made to Claims 1-3 to remove the informalities.

The Examiner rejected the Drawings under 37 CFR 1.83(a) because they failed to show "the several grooves relating to the balls" as described in the Specification as being shown in Figure 6. Accordingly, Figure 6 has been renumbered and now appears as

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Figure 6A, and a new cross-sectional view of the grooves relating to the balls appears as Figure 6B, which is being added by this amendment. A Replacement Drawing Sheet containing Figure 6A and the New Drawing Sheet containing Figure 6B are attached as an Appendix.

In the Official Action, the Examiner rejected Claim 3 under U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement and further rejected Claim 3 under 35 U.S.C. § 101 “because the disclosed invention is inoperative and lacks utility”. The Examiner stated that the Applicant “fails to describe the use of the umbrella runner device of Claim 3 as it is portrayed in Figure 3. When the runner is raised up the umbrella pole, the top lip of the runner (1) will inevitably get caught on the bottom edge of the lower tube (32), thereby preventing the runner from reaching the gap between the two tubes and rendering the device inoperable”.

As the Substitute Specification now more clearly recites, the unique elements which form the invention of the subject Patent Application includes a shaft (3) having an annular concave portion (31) for engaging the balls (12) received in the apertures (11) of the runner (1). The Specification, as filed, states the annular portion was convex which led the Examiner to conclude that the disclosed invention is “inoperative”. However, it is clear from the Drawings, as originally filed, that the annular portion of the shaft is recessed, or concave. The Specification has been amended to be in agreement with the

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Drawings and it is believed that this correction reveals the operation, and thereby the utility, of Applicant's invention.

In the Official Action the Examiner rejected Claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by the Katzberg reference (U.S. Patent #2,528,002, hereinafter "Katzberg"). In making the rejections, the Examiner correlated features of the invention of the subject Patent Application, as originally claimed, with the engaging structure for the runner of the Katzberg umbrella. Additionally, the Examiner rejected Claim 3 under U.S.C. § 103(a) as being unpatentable over Katzberg. The Examiner acknowledged that Katzberg does not teach the use of two tubes as an engaging means for the balls and stated that the two tubes in interval are merely an obvious variation of the single sleeve with an annular convex portion of Katzberg.

As newly amended Independent Claim 1 now recites, Applicant's engaging structure for a runner of an umbrella includes "a runner ... having formed on an outer circumference thereof a positioning ring". The invention also includes "a sleeve slidably displaceable on the outer circumference of said runner". The sleeve includes "an inner low projective ring formed on an inner circumference thereof so as to be selectively positioned on either of opposing sides of said positioning ring". Included further is "a shaft ... having an annular concave portion for receiving said balls". The balls are "maintained in said annular concave portion by said middle edge of said sleeve when said

projective ring is on a first one of said opposing sides of said positioning ring and said balls are received in said upper opening [of said sleeve] when said projective ring is on a second one of said opposing sides of said positioning ring”.

The full combination of these and other features now more clearly recited by the amended claims of the subject Patent Application are nowhere disclosed or suggested by the references cited by the Examiner. While Katzberg may disclose a structure for an umbrella lock, the Katzberg structure requires a spring engaging the bottom of the runner to bias the sleeve downward to cause a cam surface to maintain an inward pressure on the balls. The reference nowhere discloses a structure where the sleeve has “an inner low projective ring formed on an inner circumference thereof so as to be selectively positioned on either of opposing sides of said positioning ring”. As such, it is clear that Katzberg does not show “said balls being maintained in said annular concave portion of said shaft by said middle edge of said sleeve when said projective ring is on a first one of said opposing sides of said positioning ring and said balls are received in said upper opening when said projective ring is on a second one of said opposing sides of said positioning ring”, as implemented by the invention of the subject Patent Application, as now claimed.

Therefore, as the Katzberg reference fails to disclose each and every element of the invention of the subject Patent Application, as now recited in amended Claim 1, the

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reference cannot anticipate that invention. Moreover, as Katzberg does not disclose the unique combination of features recited in amended Claim 1 for the purposes set forth in the subject Patent Application, it is believed that the reference does not make obvious the invention, either. As such, Claim 1 is believed to be allowable over the cited prior art. Additionally, Claims 2 and 3 are dependent from Claim 1 and recite further limitations thereon. Thus, Claims 2 and 3 are believed to be allowable for at least the same reasons for which Claim 1 is believed to be allowable.

The remaining references, cited by the Examiner but not used in the rejections, have been reviewed and are believed to be further removed from the Patent Application than the references used by the Examiner when patentable considerations are taken into account.

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In view of the foregoing amendments and remarks, Applicant believes that the subject Patent Application is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

FOR: ROSENBERG KLEIN & LEE

A handwritten signature in black ink, appearing to read "David R. Wood", written over a horizontal line.

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Dated: 24 JAN 2006

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AMENDMENTS TO THE DRAWINGS

Please replace the original Drawing, Figure 6, with Drawing 6A as shown on the attached replacement Drawing sheet and add new Drawing 6B, which is a cross-sectional view of an embodiment of the invention showing grooves in the shaft corresponding to the balls received in the apertures of the runner. Original Figure 6 has been renumbered as Figure 6A and new Figure 6B has been submitted responsive to the Examiner's rejection of the Drawings under 37 CFR 1.83(a).